

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

April 27, 1944

10:50 A.M.

Council Chamber, City Hall

The meeting was called to order, with Mayor Miller presiding.

## Roll call

Present : Councilmen Alford, Bartholomew, Gillis, Mayor Miller - 4  
Absent : Councilman Wolf - 1

Present also: Walter E. Seaholm, Acting City Manager; J. E. Motheral, City Engineer; J. M. Patterson, Jr., Acting City Attorney; and R. D. Thorp, Chief of Police.

The minutes of the Regular Meeting of April 20, 1944, were read, and upon motion of Councilman Alford were adopted as read by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller

Noes : None

Absent: Councilman Wolf

The application of GEORGE JOSEPH, 407 East 8th Street, for a license to operate as a taxicab a 1941 Model Chevrolet Sedan, Motor No. AA225790, State License (1942) No. N23-923, (1944) No. FR8-934, duly approved by the Acting City Manager, to replace Taxicab Permit No. 45 cancelled by William Wilson, was submitted. Councilman Alford moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller.

Noes : None

Absent: Councilman Wolf

Councilman Alford offered the following resolution and moved its adoption:

## (RESOLUTION)

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be, and the same is hereby, permitted to lay and construct its gas mains in and upon the following streets:

- (1) A gas main in BRAZOS STREET from East 18th Street to a point 49 feet south of East 19th Street, the centerline of which gas main shall be 17.5 feet west of, and parallel to, the east property line of said Brazos Street.

Said gas main described above shall have a covering of not less than 2-1/2 feet.

- (2) A gas main in EAST 8TH STREET from a point 108 feet east of Concho Street easterly 100 feet, the centerline of which gas main shall be 13.5 feet north of, and parallel to, the south property line of said East 8th Street.

Said gas main described above shall have a covering of not less than 2-1/2 feet.

- (3) A gas main in EAST 3RD STREET from Chicon Street westerly 209 feet, the centerline of which gas main shall be 19 feet south of, and parallel to, the north property line of said East 3rd Street.

Said gas main described above shall have a covering of not less than 2-1/2 feet.

- (4) A gas main in ATTAYAC STREET from East 4th Street southerly 106 feet, the centerline of which gas main shall be 13 feet west of, and parallel to, the east property line of said Attayac Street.

Said gas main described above shall have a covering of not less than 2-1/2 feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

And that whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller.

Nees : None

Absent: Councilman Wolf

The application of SPANISH VILLAGE NO. 2, 1211 South Congress Avenue, for a wine and beer permit, duly approved by the Acting City Manager, was submitted. Councilman Gillis moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller.  
 Noes : None  
 Absent: Councilman Wolf

The application of HARVEY EUGENE LAW, 61 Comal Street, for a taxicab driver's permit, duly approved by the Acting City Manager, was submitted. Councilman Alford moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller.  
 Noes : None  
 Absent: Councilman Wolf.

The application of GEORGE JOSEPH, 407 East 8th Street, for a taxicab driver's permit, duly approved by the Acting City Manager, was submitted. Councilman Bartholomew moved that the application be granted. The motion carried by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, Mayor Miller.  
 Noes: None  
 Absent: Councilman Wolf

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Walter E. Seaholm, the Acting City Manager, is hereby authorized and directed in behalf of the City of Austin to execute a quitclaim deed to Cal Reddick, conveying Lots 5 and 6, in Block 4, Outlots 2 and 3, Division "B", in the City of Austin, Travis County, Texas, in consideration of the payment of all taxes and the court costs involved in tax suits Nos. 13460 and 14261, City of Austin vs. Mrs. M. A. Newton et al, in the District Court of Travis County, Texas.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller.  
 Noes : None  
 Absent: Councilman Wolf

Councilman Alford offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Walter E. Seaholm, the Acting City Manager, is hereby authorized and directed in behalf of the City of Austin to execute a quitclaim deed to Goldie Horton Porter, Lovie Coral Tullis, and France LaNelle Lallier Shwayder, conveying Lot No. 14 and the N. 20 feet of Lot 15, Outlot 23, Division "D", Horst Subdivision, in the City of Austin, Travis County, Texas, in consideration of the payment of all taxes and court costs involved in tax suit

No. 26503, City of Austin vs. Mrs. S. W. Hutchings, in the District Court of Travis County, Texas.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller.

Noes : None

Absent: Councilman Wolf

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the Acting City Manager be, and he is hereby, authorized and directed to execute for and in behalf of the City of Austin a Quitclaim Deed to Birdie May Saye, conveying all the right, title and interest acquired by the City of Austin to Lots 3 and 4, in Block 9, Glen Ridge Subdivision in the City of Austin, Travis County, Texas.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller.

Noes : None

Absent: Councilman Wolf

The following report of the Board of Adjustment on the change in zoning of the property known as 1304 Newning Avenue, from "A" Residence District to "B" Residence District, was received:

"Austin, Texas  
April 12, 1944

Honorable Mayor and City Council  
Austin, Texas

Gentlemen:

The following is a copy of a resolution which was passed by the Board of Adjustment at a meeting on April 11, 1944:

R E S O L U T I O N .

WHEREAS, the City Council of the City of Austin, pursuant to the terms of Section 31 of the Zoning Ordinance of the City of Austin, has referred to the Zoning Board of Adjustment for its consideration, a petition of Mrs. Lula Scott, et al, requesting a change in the USE designation of the following properties:

Blocks 28, 29, and 30, Fairview Park, being known as 1304 Newning Avenue, in the City of Austin,

from "A" Residence District and First Height and Area District to "B" Residence District and Second Height and Area District; and

WHEREAS, the Board of Adjustment carefully considered this application in the light of the effect of such change on the property and the neighborhood, and otherwise in the light of sound zoning principles; and

WHEREAS, this property is adjacent to an existing "B" Residence District and the change of the Use designation of the property mentioned would be an extension of the existing "B" Residence District to include the said property; and

WHEREAS, the petition filed with the Council for this change bore the endorsement of other property owners adjacent thereto and in the neighborhood; therefore,

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT the change requested in the application for the property described is recommended to the City Council as not adversely affecting the neighborhood, and permitting the use of the property for a definite need and public benefit and not violating any fundamental principle of zoning.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Sgd) H. F. Kuehne  
Chairman. "

In accordance with published notice thereof, this being the day and the hour set for the public hearing on the proposal of the City Council to amend the Zoning Ordinance in the following particulars:

To amend the USE designation of the following described property so as to change same from "A" Residence District to "B" Residence District, to wit: Blocks 28, 29, and 30, Fairview Park, according to Plat Book 1, page 46, of the Plat Records of Travis County,

the hearing was thereupon opened.

The following proponents of the change appeared and plead for the change: MRS. LULA SCOTT; and MRS. STEIGLER.

The following property owners appeared and through their interpreter, opposed the change on the grounds that it would be detrimental to their property: MR. and MRS. W. H. DAVIS; MR. and MRS. R. L. DAVIS; MRS. DELLA W. BROOKS, and others.

Following the hearing, the Council postponed action on the matter pending an agreement in writing by the proponents of the change that the property in question would not be used as a home for mentally defective or alcoholic patients; said written agreement to be satisfactory to the opponents of the change, and meet with the approval of the Acting City Attorney.

Councilman Gillis offered the following resolution and moved its adoption:

## (RESOLUTION)

WHEREAS, it has been determined that assessments for taxes for the year 1943 against Lots 11, 12, and 13, Block 46, Travis Heights Addition, in the City of Austin, Travis County, Texas, assessed in the name of Stacy Realty Company, are excessive and the same should be corrected; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the assessments for taxes on the aforesaid property for the year 1943 be, and the same are hereby, reduced and corrected as follows:

- Lot 11 - reduced and corrected from the present assessed value, \$220.00, to \$210.00;
- Lot 12 - reduced and corrected from the present assessed value, \$240.00, to \$200.00;
- Lot 13 - reduced and corrected from the present assessed value, \$340.00, to \$210.00;

and that the City Tax Assessor and Collector is authorized and directed to make such change in the tax rolls.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller.

Noes : None.

Absent: Councilman Wolf

Councilman Alford offered the following resolution and moved its adoption:

## (RESOLUTION)

WHEREAS, the City of Austin taxes were assessed in the name of Fulcher Associates, Inc., for the year 1942 on 113.33' x 138' on Brazos Street in Outlot 51, Division "E", of the City of Austin, Travis County, Texas; said taxes being in the amount of \$1215.78, and for non-payment of same at maturity, penalty in the amount of \$60.78 has been assessed, and interest in the amount of \$78.29 has accrued; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the amount of \$60.78, and one-half of the said interest in the sum of \$39.15; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the aforesaid penalty in the amount of \$60.78, and one-half of said interest in the amount of \$39.15 be, and the same are hereby remitted, and the Tax Assessor and Collector is hereby authorized to issue to the party entitled to receive same a receipt in full upon payment of the aforesaid taxes and one-half of the interest, as aforesaid.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller.

Noes : None

Absent: Councilman Wolf

There being no further business, upon motion seconded and carried,  
the meeting was recessed at 11:30 A. M., subject to call of the Mayor.

APPROVED: Tom Miller.  
MAYOR

ATTEST:

Hallie M. Keller  
CITY CLERK